
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Chemung County Radio, Inc.)	File No. EB-03-BF-106
Licensee of Radio Station WNGZ)	
Facility ID # 49449)	NOV No. V20043228011
Montour Falls, New York)	
)	
Attention: Mr. Kevin White, General Manager)	

Corrected Copy

NOTICE OF VIOLATION

Released: December 18, 2003

By the Resident Agent, Buffalo Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Chemung County Radio, Inc., licensee of radio station WNGZ

2. On September 18, 2003, an agent of the Commission's Buffalo Office inspected radio station WNGZ located in Montour Falls, New York, and observed the following violation(s):

- a. 47 C.F.R. § 11.35(a): "... Additionally broadcast stations must determine the cause of any failure to receive the required tests specified in §§ 11.61(a)(1) and (2). Appropriate entries must be made in the broadcast station log as specified in § 73.1820 and § 73.1840 , indicating reasons why any tests were not received." WNGZ logs did not contain entries determining the cause of any failure to receive weekly tests from LP-1, WENY, for the periods June 17 to July 4, 2003; July 18 to August 4, 2003; August 4 to August 27, 2003 and August 27 to September 19, 2003.
- b. 47 C.F.R. § 11.61(a)(2)(A): "Effective January 1, 1997, AM, FM, and TV stations must conduct weekly tests of the EAS header and EOM codes at least once a week at random days and times." WNGZ did not transmit weekly tests for the periods June 18 to July 14, 2003; July 18 to August 4, 2003; and August 6 to September 10, 2003.

¹ 47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Chemung County Radio, Inc., must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Room 1307 Federal Building
111 W. Huron Street
Buffalo, New York 14202

4. This Notice shall be sent to Chemung County Radio, Inc; 2205 College Avenue; Elmira, New York 14903

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
Resident Agent
Buffalo Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*